IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1119 OF 1999.

Smt.Sheroo S.Canteenwalla. ... Appellant.
Versus.
Sou.Sneha Prem Malhotra. ... Respondent.

Shri Jaydeep Deo i/by Ms.Suhasini Mutalik for the Appellant.

Ms.Lata Desai for the Respondent No.3.

Ms.Shashikala Sharma i/by Shri Yogesh N.Adhia for Respondent No.6.

CORAM : ABHAY S.OKA, J.

DATED : 29th March, 2007.

P.C.:

1. Heard the learned Counsel appearing for the parties. The Appellants are the original Plaintiffs. The Appellants have taken exception to the Judgment and Order dated 18th August 1999 passed by the learned Civil Judge, Senior Division, Pune by which an application for temporary injunction made by the Appellants/Plaintiffs was rejected. The Appellants/Plaintiffs filed a suit for perpetual injunction restraining the Respondents (original Defendants) from selling or transferring shares of various companies particulars of which are incorporated in second paragraph of the plaint.

2. At the time of admission of the Appeal, in Civil Application No.8879 of 1999, this Court on 8th December 1999 passed ad-interim order in terms of prayer clause

(b) of the said Civil Application. Prayer clause (b) of the said Civil Application reads thus:

> "(b) Respondents be restrained by an order of injunction from this Hon'ble Court from in any manner from further transferring and/or disposing off the shares of the Plaintiffs more particularly described in para-2 of plaint in Civil Suit No.1740/97, pending before the learned Civil Judge, S.D. Pune, pending hearing and final disposal of the present Appeal from Order."

Thus by the aforesaid order passed by this Court, the Respondents were restrained by an order of temporary injunction from further transferring or disposing of the shares described in the 2nd paragraph of the plaint. The said order of injunction passed by this Court is operating from 8th December 1999 i.e. for 7 years and more. The main suit is of the year 1997.

3. In my view, the interests of justice will be served if the suit is ordered to be finally decided in a time bound schedule and till the suit is decided, the ad-interim order of injunction passed by this Court is ordered to continue. Considering the nature of the suit, the same can be disposed of within a short time.

Outer limit for disposal of the suit can be fixed as 30th November 2007.

4. Hence the Appeal is disposed by the following order:

(i) Ad-interim order passed by this Court on 8th December 1999 in Civil Application No.8879 of 1999 will continue to operate till disposal of the suit.

(ii) The trial Court shall dispose of the suit as expeditiously as possible and in any event on or before 30th November 2007.

(iii) It is made clear that all contentions of the parties on merits of the suit are expressly kept open. While deciding the suit, the trial Court will not be influenced by the ad-interim order passed by this Court on 8th December 1999 and the continuation thereof by this Court.

(iv) The Appeal is disposed of in the above terms with no order as to costs.

Judge.